

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KRYSTAL A. TOLAND,)	CASE NO: 3:13-cv-00877
)	
Plaintiff,)	JUDGE JEFFREY J. HELMICK
)	
v.)	MAGISTRATE JUDGE
)	NANCY A. VECCHIARELLI
CAROLYN W. COLVIN,)	
Acting Commissioner of Social)	
Security,)	
)	REPORT AND
Defendant.)	RECOMMENDATION

This case is before the Magistrate Judge pursuant to a referral from the presiding District Judge for a report and recommendation. On October 7, 2014, Plaintiff, Krystal A. Toland, through her attorney, Clifford M. Farrell, filed a motion for attorney fees under the Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412\(d\)](#), in the amount of \$6,096.20. (Application for Attorney Fees ("EAJA Application"), Doc. No. 27.) The Commissioner did not file any opposition to the EAJA Motion.

On November 18, 2014, the parties filed a Joint Proposed Stipulation to an Award of Fees under the EAJA in the amount of \$5,000.00. (Doc. No. 30.) The Magistrate Judge finds the stipulated amount to be reasonable. Therefore, the undersigned recommends that the Court award Plaintiff \$5,000.00 in attorney fees pursuant to the EAJA. This award shall satisfy all of Plaintiff's claims for fees and expenses under 28 U.S.C. § 2412.

Pursuant to the parties' stipulation, if counsel for the parties can verify that Plaintiff owes no pre-existing debts to the United States that are subject to offset, Defendant shall direct that the award be made payable to Plaintiff's counsel subject to the assignment signed by Plaintiff and her counsel, and shall direct the Treasury Department to mail any

check in this matter to the business address of Plaintiff's counsel. If Plaintiff owes a pre-existing federal debt subject to offset, the Commissioner shall direct that the check be made payable directly to Plaintiff, in an amount equaling the balance of the stipulated attorney fees remaining after subtracting the amount of Plaintiff's outstanding federal debt, and delivered to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the stipulated attorney fees, the stipulated amount shall be used to offset Plaintiff's federal debt and no attorney fees shall be paid.

s/ Nancy A. Vecchiarelli
U.S. Magistrate Judge

Date: November 18, 2014